

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE

SOUTHERN DISTRICT OF GEORGIA
Waycross Division

In the matter of:

ISAIAH JAMES DAVIS
d/b/a Davco Realty

Debtor

Chapter 11 Case

Number 87-50208

FILED

at 4 O'clock & 30 min. P.M

Date 5-3-90 CR

O R D E R

MARY C. BECTON, CLERK
United States Bankruptcy Court
Savannah, Georgia

The United States Trustee filed a Motion to Convert the above-captioned case to a case under Chapter 7 or for such other relief as the Court found to be appropriate. A hearing was conducted on April 17, 1990, in Waycross, Georgia, to consider said Motion after notice to all parties in interest. Debtor subsequently filed a Motion to Voluntarily Dismiss his Chapter 11 case. However, said Motion was not ripe for consideration on April 17, 1990. Nevertheless, Debtor through counsel expressed his desire that the Chapter 11 case should be dismissed under the "such other relief" language of the United States Trustee's Motion to Convert. There was no objection by any parties at the hearing to the entry of an Order of Dismissal. The Court announced its intention to grant a dismissal of the case pursuant to the Motion of the United States

Trustee and because of the Debtor's stated position that he wished to be finished with the proceeding under Chapter 11 and to as he put it "move on with his life."

It was not expressly stated what intentions the Debtor had with respect to Adversary Case Number 88-5006, pending in this Court captioned "Isaiah James Davis v. The Federal Land Bank of Columbia, Southeast Georgia Production Credit Association as successor to Satilla Production Credit Association, Lamar Gibson, Stephen L. Jackson, J. Kenneth Royal, Seaborn Bell, Lamar Bell, and J. W. Wainwright." In that action Debtor has asserted claims for damages against a number of professionals who formerly conducted business with him or on his behalf. Many of the original defendants in this action have now been dismissed with prejudice as defendants. However, there are still claims being asserted against some of those parties. From the statements of counsel to the effect that Debtor wished to end these proceedings and move on with his life, the Court understood and believed that Debtor wished not only to dismiss his Chapter 11 case but also to dismiss the Adversary Proceeding with prejudice so as to preclude any further litigation of the claims being pursued in that action. It subsequently became clear in a conference between the Court, counsel for the Debtor, and counsel for one of those party defendants that that was not, in fact, the Debtor's intention.

Because parties in interest had received no actual knowledge of the fact that Debtor wished that his case be voluntarily dismissed as opposed to having it converted to a liquidation under Chapter 7 and because of the obvious interest that parties defendant in the adversary proceeding have in determining the future course of that litigation, I have reconsidered the oral statement at the conclusion of the motion hearing to the effect that the case would be dismissed and have, instead, concluded that a continued hearing on the Motion of the United States Trustee should be rescheduled for consideration at the same date and time as the hearing on Debtor's Motion to Voluntarily Dismiss his case. Accordingly, a continued hearing on the Motion of the United States Trustee to convert this case is reassigned for hearing for the following date and time:

Tuesday, May 15, 1990
at 2:00 o'clock p.m.
United States Courtroom
Third Floor, Federal Building
Waycross, Georgia



Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 3rd day of May, 1990.